IN THE HIGH COURT OF UTTARANCHAL, AT NAINITAL

Criminal Misc. Application No. 143/2004

Deepak Vats and others ……..Applicants

Versus

State of Uttaranchal and other …….Respondents

Hon'ble Irshad Hussain, J.

Heard Sri Ramji Srivastava learned counsel for the applicants and learned A.G.A. Perused the record.

This is a petition under Section 482 of the Code of Criminal Procedure (for short 'Code') seeking quashing of the proceedings in case no.1/2004 State Vs. Deepak Vats and another under Sections 107/116 of the Code pending before the City Magistrate, Dehradun.

Learned counsel for the applicants submitted that the proceedings have been drawn illegally in as much as notice under Section 111 of the Code did not disclose the reason as a result of which there was dispute and apprehension of breach of peace. The space in the notice under Section 111 of the Code has been kept blank where in fact the required information was to be disclosed by the authority concerned. Considering this, the proceedings were ab-initio void and therefore the proceedings in case no. 1/2004 under Section 107/116 of the Code are quashed. The petition is finally disposed of accordingly.

In case for reasons which disclose any dispute and any apprehension of breach of peace proceedings may be drawn afresh by the competent authority/City Magistrate, Dehradun.

(Irshad Hussain, J.)

Dated 01.04.2004
Rawat